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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,057	10/19/2001	Craig M. Janik	5532.P020	8593

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GREENBERG TRAURIG, LLP  
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CHICAGO, IL 60601-1732

EXAMINER

ORGAD, EDAN

ART UNIT PAPER NUMBER

2618

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Applicati n No.</b>		<b>Applicant(s)</b>	
	10/052,057		JANIK ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Edan Orgad		2618	

**-- Th MAILING DATE of this communication appears n the cover sheet with the correspondence address --**

**Peri d for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disp sition of Claims**

- 4) ☒ Claim(s) 14-41 and 46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-41 and 46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Pri rity under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims 14-41 and 46 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14, 16 –19, 21 –25, 28, 29, 34, and 36 –41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (Lee, US Patent No. 6,728,531) in view of Treyz et al (US 6,711,474).

Regarding claim 14, Lee teaches of an apparatus comprising: a computer system communicably coupled to the a wireless local area network (Figures 1 and 3), the computer system obtaining, storing and sending digital content via the wireless local area network to an automotive storage and playback device when the automotive storage and playback device includes a wireless transceiver that is within range of the wireless local area network (Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –28); the computer system obtaining the digital content from a wide area network, based on user defined preferences input into the computer system, while the wireless local area network is not within range of the wireless

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transceiver of the automotive storage and playback device (Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –28).

Lee does not specifically teach of automatically [sending digital content] (note the brackets are added for clarity in language and it is believed these limitations are addressed in the above cited reference), in other words, Lee does not specifically teach of automatically obtaining at least a portion of the digital media content from a wide area network based on user preferences input to the computer.

In a related art Treyz teaches automatically obtaining at least a portion of the digital media content from a wide area network based on user preferences input to the computer (col. 58, lines 26-57 & col. 60, lines 7-15)

It would have been obvious to one skilled in the art at the time of invention to have included into Lee's local area network, Treyz's automatic synchronization, for the purposes of automatically updating files when in range to keep databases current and up to date, as taught Treyz.

Regarding claim 16, Lee teaches the computer system sends the digital content periodically at times designated according to the user defined preferences input into the computer system (Lee: column 6, lines 24 –35).

Regarding claims 17, 22, and 37, Lee further teaches of wherein the computer system is operable to send the digital content in response to a user action at the computer system (column 6, lines 24 –35 and column 7, lines 21 –27).

Regarding claim 18 and 23, Lee further teaches of wherein the computer system comprises: a system control application to manage and control the transfer of the digital content

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(column 6, lines 24 –35 and column 7, lines 21 –27); and a user interface (column 6, lines 24 –35 and column 7, lines 21 –27).

Regarding claims 19 and 34, Lee teaches of a system and method for transferring digital content to an automobile (Figures 1 and 3) comprising: an automotive storage and playback device for coupling to the automobile (Figure 2), the automotive storage and playback device including a first wireless transceiver to receive digital content via a wireless local area network (Figures 1 and 2 and column 7, lines 21 –27), the automotive storage and playback device coupled to an output device in the automobile that is capable of playing the digital content (Figures 1 and 2 and column 8, lines 28 –64); and a computer system communicably coupled to the wireless local area network and remotely located with respect to the automotive storage and playback device (Figure 1 and column 6, lines 24 –35), the computer system obtaining, storing, and sending the digital content via the wireless local area network to the automotive storage and playback device when the automotive storage and playback device includes a wireless transceiver that is within range of the wireless local area network (Figure 1 and column 6, lines 24 –35 and column 7, lines 21 –27), the computer system obtaining the digital content from a wide area network (Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –27), based on user defined preferences input into the computer system (Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –27), while the wireless local area network is not within range of the wireless transceiver of the automotive storage and playback device (Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –27).

Lee does not specifically teach of automatically obtaining at least a portion of the digital media content from a wide area network based on user preferences input to the computer.

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In a related art Treyz teaches automatically obtaining at least a portion of the digital media content from a wide area network based on user preferences input to the computer (col. 58, lines 26-57 & col. 60, lines 7-15)

It would have been obvious to one skilled in the art at the time of invention to have included into Lee's local area network, Treyz's automatic synchronization, for the purposes of automatically updating files when in range to keep databases current and up to date, as taught Treyz.

Regarding claim 24, Lee further teaches of further comprising a storage and datalink unit coupled with the first wireless transceiver to receive the digital content from the first wireless transceiver (Figure 2 and column 8, lines 54 –64) and convert the digital content into at least one of binary data and instructions (Figure 2 and column 8, lines 54 –64).

Regarding claim 25, Lee in view of Treyz teach all the claimed limitations as recited in claim 24. Lee further teaches of comprising a head unit coupled to the storage and data link unit via at least one cable (Figure 4 and column 49 –56).

Regarding claims 28 and 41, Lee the digital content includes at least one of a music file, a text file, an image file, a video file, and an interactive multimedia file (Lee: column 8, lines 54 – 63).

Regarding claim 29, Lee teaches of wherein the wide area network is Internet (Lee: column 8, lines 54 – 63).

Regarding claim 38, Lee teaches of further comprising decompressing and converting the digital content into at least one of binary data and instructions (column 8, lines 54 – 64).

Regarding claim 39, Lee teaches of further comprising transferring the converted content to an output device in the automobile (column 8, lines 28 – 53).

Regarding claim 40, Lee teaches of comprising playing the converted content on the output device (column 8, lines 28 – 53).

Claim 15, 20, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (Lee, US Patent No. 6,728,531) and Treyz et al (US 6,711,474) in view of Beard et al (Beard, US Patent No. 6,434,187) and further in view of Boys (Boys, US Patent No. 6,314,094).

Regarding claim 15, Lee and Treyz teach all the claimed limitations as recited in claim 14. Lee in view of Treyz further teach of wherein the computer system comprises a system control application to send the digital content automatically and playback device broadcasting a discovery message to the system control application (Lee: Figure 1 and column 7, lines 21 –28).

Lee in view of Treyz do not specifically teach of control firmware performing the described functions and the described functions occurring when the automobile coupled to the automotive storage is turned off control firmware performing the described functions and (though Lee does teach of downloading at a gas station, where traditionally automobiles must be off when fueling).

In a related art dealing with wireless local area transceivers, Beard teaches of control firmware performing the described functions (column 16, lines 28 –39).

It would have been obvious to one skilled in the art at the time of invention to have included into Lee's local area transceiver, Beard's control firmware provisions, for the purposes

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of providing a field re-programmable coding device and system that controls the operation of the transceiver, as taught by Beard.

Lee in view of Treyz and Beard do not specifically teach of the described functions occurring when the automobile coupled to the automotive storage is turned off (though Lee does teach of downloading at a gas station, where traditionally automobiles must be off when fueling).

In a related art dealing with a vehicular Internet radio device, Boys teaches of the described functions occurring when the automobile coupled to the automotive storage is turned off (column 3, lines 31 –41).

It would have been obvious to one skilled in the art at the time of invention to have included Lee, Treyz, and Beard's automotive wireless Internet player system, Boy's provisions to play the radio device, for the purposes of operation of the device without using up the car's battery supply, as taught by Boys.

Regarding claims 20 and 35, Lee in view of Treyz teach all the claimed limitations as recited in claims 19 and 34. Lee in view of Treyz further teach wherein the automotive storage and playback device broadcasts a discovery message periodically and automatically for the purpose of synchronizing content from a system control application on the computer system (Lee: Figure 1 and column 7, lines 21 –28).

Lee in view of Treyz do not specifically teach of control firmware performing the described functions and the described functions occurring when the automobile coupled to the automotive storage is turned off control firmware performing the described functions and (though Lee does teach of downloading at a gas station, where traditionally automobiles must be off when fueling).



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In a related art dealing with wireless local area transceivers, Beard teaches of control firmware performing the described functions (column 16, lines 28 –39).

It would have been obvious to one skilled in the art at the time of invention to have included into Lee and Treyz's local area transceiver, Beard's control firmware provisions, for the purposes of providing a field re-programmable coding device and system that controls the operation of the transceiver, as taught by Beard.

Lee in view of Treyz and Beard do not specifically teach of the described functions occurring when the automobile coupled to the automotive storage is turned off (though Lee does teach of downloading at a gas station, where traditionally automobiles must be off when fueling).

In a related art dealing with a vehicular Internet radio device, Boys teaches of the described functions occurring when the automobile coupled to the automotive storage is turned off (column 3, lines 31 –41).

It would have been obvious to one skilled in the art at the time of invention to have included Lee, Treyz, and Beard's automotive wireless Internet player system, Boy's provisions to play the radio device, for the purposes of operation of the device without using up the car's battery supply, as taught by Boys.

Claims 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (Lee, US Patent No. 6,728,531) and Treyz et al (US 6,711,474) in view of MacDonald et al. (MacDonald, US Patent No. 5,371,802).

Regarding claim 26, Lee in view of Treyz teach all the claimed limitations as recited in claim 25. Lee further teaches of wherein the head unit comprises: a stereo sound processor

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(Figures 2 and 4 and column 6, lines 42 –59); an audio mixer coupled with the stereo sound processor (Figures 2 and 4 and column 6, lines 42 –59 and column 13, lines 7 – 54); an amplifier (Figures 2 and 4 and column 6, lines 42 –59 and column 13, lines 7 – 54); a tuner attached to the automobile (Figure 2, column 6, lines 42 –51); and a user interface (Figures 2 and 4 and column 6, lines 42 –59 and column 13, lines 7 – 54).

Lee in view of Treyz do not specifically teach of a pre-amplifier [coupled with the audio mixer]; [an amplifier] coupled with the pre-amplifier and [a tuner] coupled to an antenna [attached to the automobile].

In a related art dealing with automotive sound systems, MacDonald teaches of a pre-amplifier [coupled with the audio mixer] (Figure 1 and column 2, lines 36 –52); [an amplifier] coupled with the pre-amplifier (Figure 1 and column 2, lines 36 –52); and [a tuner] coupled to an antenna [attached to the automobile] (Figure 1 and column 2, lines 36 –52).

It would have been obvious to one skilled in the art at the time of invention to have included into Lee's sound system, MacDonald's additional sound processing components for the purposes of higher audio performance (as the environment of an automobile is generally louder), as taught by MacDonald.

Regarding claim 27, Lee in view of Treyz and MacDonald teach all the claimed limitations as recited in claim 26. Lee further teaches of wherein the head unit further comprises: a compact disc drive coupled with the stereo sound processor (Figure 2); and Lee and MacDonald teach of an audiocassette drive coupled with the stereo sound processor (Lee: column 8, lines 46 –50 and MacDonald: Figure 1 and column 2, lines 36 –52).

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Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (Lee, US Patent No. 6,728,531) and Treyz et al (US 6,711,474) in view of Kikinis (Kikinis, US Patent No. 6,055,566).

Regarding claim 30, Lee in view of Treyz teaches all the claimed limitations as recited in claim 24. Lee in view of Treyz do not specifically teach that wherein the storage and datalink unit includes a battery (though it should be noted that Lee teaches of coupled to a battery as all automotive devices have a battery, column 13, lines 35 –56).

In a related art dealing with a media player, Kikinis teaches of wherein the storage and datalink unit includes a battery (column 2, lines 52 – 55).

It would have been obvious to one skilled in the art at the time of invention to have included into Lee and Treyz's head-data link system, Kikinis' battery, for the purposes of portable playback (such as when using a portable Internet connection), as taught by Kikinis.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (Lee, US Patent No. 6,728,531) and Treyz et al (US 6,711,474) in view of Obradovich (Obradovich, US Patent No. 6,009,355).

Regarding claim 31, Lee in view of Treyz teach all the claimed limitations as recited in claim 24. Lee in view of Treyz do not specifically teach of wherein the storage and datalink unit includes a temperature-based control system (though Lee teaches of multi-functional consol, in Figure 2).

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In a related art with a vehicle control and multimedia system, Obradovich teaches of wherein the storage and datalink unit includes a temperature-based control system (as seen in Figures 1 and 11 and column 16, lines 20 –63).

It would have been obvious to one skilled in the art at the time of invention to have included into Lee's storage and data link system, Obradovich's temperature control, for the purposes of providing a centralized information and control system in an automobile that is user friendly and easy to use, as taught by Obradovich.

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (Lee, US Patent No. 6,728,531 and Treyz et al (US 6,711,474) in view of Berberich et al. (Berberich, US Patent No. 5,703,734).

Regarding claim 32, Lee in view of Treyz teach all the claimed limitations as recited in claim 24. Lee in view of Treyz do not specifically teach of wherein the storage and datalink unit includes a vibration dampening system (though it should be noted that Lee teaches of a hard drive in column 8, lines 54 –64).

In a related storage media, Berberich teaches of wherein the storage and datalink unit includes a vibration dampening system (Figure 2; column 6, lines 31 – 40; Figures 9 and 10; and column 9, lines 6 – 21)

It would have been obvious to one skilled in the art at the time of invention to have included into Lee and Treyz's hard drive storage system, Berberich's shock absorbing/dampening material, for the purposes of protecting the device and the material stored, as taught by Berberich.

Regarding claim 33, Lee in view of Treyz and Berberich teach all the claimed limitations as recited in claim 32. Berberich further teaches of wherein the vibration dampening system includes two elastomeric suspension caps (Figure 2; column 6, lines 31 – 40; Figures 9 and 10; and column 9, lines 6 – 21).

Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (Lee, US Patent No. 6,728,531) in view of Treyz et al (US 6,711,474) and further in view of Boys (Boys, US Patent No. 6,314,094).

Regarding claim 46, Lee teaches of an article of manufacture having one or more recordable media with executable instructions stored thereon which, when executed by a system, causes the system to perform (Figures 1 and 3) a method comprising: causing a transfer of digital content from a computer system to an automotive storage and playback device (Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –28), wherein at least a portion of the digital content was obtained from a wide area network while a wireless local area network is not within range of the wireless transceiver of the automotive storage and playback device (Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –28), and further wherein selection of the digital content to obtain is based on user defined preferences input into the remote computer system (Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –28).

Lee does not specifically teach of [causing the automotive storage and playback device] to periodically and automatically send one or more messages [via a wireless transceiver to the computer system] and when the car is turned off (though Lee does teach of a wireless transceiver and obtaining information when car is at home and a gas station, traditionally places where a car

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is off in Figures 1 and 3 and column 6, lines 24 –35 and column 7, lines 21 –28; note the brackets are added for clarity in language and that it is believed these limitations are addressed in the above cited reference), in other words, Lee does not specifically teach of automatically obtaining at least a portion of the digital media content from a wide area network based on user preferences input to the computer.

In a related art Treyz teaches automatically obtaining at least a portion of the digital media content from a wide area network based on user preferences input to the computer (col. 58, lines 26-57 & col. 60, lines 7-15)

It would have been obvious to one skilled in the art at the time of invention to have included into Lee's local area network, Treyz's automatic synchronization, for the purposes of automatically updating files when in range to keep databases current and up to date, as taught Treyz.

Lee in view of Treyz do not specifically teach of when the automobile is turned off (though Lee does teach of downloading at a gas station, where traditionally automobiles must be off when fueling).

In a related art dealing with a vehicular Internet radio device, Boys teaches of the described functions occurring when the automobile is turned off (column 3, lines 31 –41).

It would have been obvious to one skilled in the art at the time of invention to have included Lee's automotive wireless Internet player system, Boy's provisions to play the radio device, for the purposes of operation of the device without using up the car's battery supply, as taught by Boys.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edan Orgad whose telephone number is 571-272-7884. The examiner can normally be reached on 9:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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